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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,611	09/19/2001	James E. McKim	01012US	1150
34247	7590	10/05/2005	EXAMINER	
FREDERIC M. DOUGLAS 15333 CULVER DRIVE SUITE 340 PMB 114 IRVINE, CA 92604			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/955,611	MCKIM, JAMES E.	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9, 10, 13-17, 22, 24, 26, 27 and 30-34 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 6, 8, 18-21, 23, 25 and 35-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

JEROME GRANT II  
PRIMARY EXAMINER

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, 10, 22, 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhn.

With respect to claim 1, Kuhn teaches an apparatus (shown by figure 1) for applying a strip material (14) to a web (16) comprising: an applicator wheel (28); a guide member (22, 24) to provide a path for said strip material; a guide sensor (CPU 56) with encoder to detect the position of the strip material, see col. 5, line 18.

With respect to claim 3, Kuhn teaches an applicator wheel that contains vacuum ports 28a along the circumference of the applicator wheel. See col. 5, lines 58-62.

With respect to claim 9, Kuhn teaches a method for applying a strip material to a web, comprising the steps of: feeding a length of strip material 14 into an initial guide memory 20; transporting (by motor in web wheel) said strip material 14 towards an applicator wheel 28; detecting the position of said strip material (CPU 56 with encoders); aligning (22,24) said strip material 14 with the surface of web 16; securing (via 28a) said strip material 14 to said surface of said web 16.

With respect to claim 10, Kuhn teaches strip material for placement over vacuum ports 28a on the surface of said applicator wheel.

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With respect to claim 22, Kuhn teaches an apparatus, shown by figure 1) for applying a guideband (strip material 14) to a web 16, comprising: an applicator wheel 28;

A guide member 23,24 to provide a path for said guideband 14; a guide sensor CPU 56 with encoder to detect the position of the guideband.

With respect to claim 24, Kuhn teaches an apparatus wherein the applicator wheel that contains vacuum ports 28a along the circumference of the applicator wheel. See col. 5, lines 58-62.

With respect to claim 26, Kuhn teaches a method for applying a guideband (strip material) to a web, comprising the steps of: feeding a length of guideband 14 into an initial guide memory 20; transporting (by motor in web wheel) said guideband 14 towards an applicator wheel 28; detecting the position of said strip material (CPU 56 with encoders); aligning (22,24) said (guideband 14) with the surface of web 16; securing (via 28a) said guideband 14 to said surface of said web 16.

With respect to claim 27, Kuhn teaches strip material for placement over vacuum ports 28a on the surface of said applicator wheel.

2.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 7, 13-17 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Rossini.

With respect to claim 5, Rossini teaches an apparatus as shown by figure 1, strip material 48, web 34, applicator wheel 42; guide means 32, 22; guide sensor via web machine 10 to detect positions of strip material driving it at a constant position with respect to predetermined time, see col. 7, lines 50-55. The code strip corresponds to the indicia or lamination seams according to col. 7, lines 55-58.

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With respect to claim 7, Rossini teaches the vacuum ports via evenly spaced portions on vacuum wheel 98. The code strip corresponds to the indicia or lamination seams according to col. 7, lines 55-58.

With respect to claim 13, Rossini teaches a method for applying (motion of applicator wheel 42) a codes strip material (indicia lamination seams) to a web (12,34) comprising the steps of: feeding a length of code strip material into an initial guide member 50; transporting (via roller 50) said code strip material towards an applicator wheel 42; detecting the position of said code strip material (web machine 10 to detect position of strip material driving it at constant position with respect to a predetermined time, see col. 7, lines 50-55. Rossini teaches aligning (via 66) said code strip material 34 with the surface of a web 12; securing (compressed air) said code strip material to said surface of said web 12.

With respect to claim 14, Rossini teaches the claimed limitation as provided at col. 8, lines 16-26.

With respect to claim 15, Rossini teaches this limitation as provided at col. 8, lines 20-22.

With respect to claim 16, Rossini teaches this limitation which is inherent by design and function of the applicator machine 10.

With respect to claim 17, Rossini teaches this limitation as shown in figure 1 by the loop.

With respect to claim 30, Rossini teaches a method for applying (motion of applicator wheel 42) a guideband (indicia lamination seams) to a web (12,34) comprising the steps of: feeding a length of code strip material into an initial guide member 50; transporting (via roller 50) said code guideband towards an applicator wheel 42; detecting the position of said code strip material (web machine 10 to detect position of strip material driving it at constant position with respect to a predetermined time, see col. 7, lines 50-55. Rossini teaches aligning (via 66) said code guideband 34 with the surface of a web 12; securing (compressed air) said code guideband to said surface of said web 12.

With respect to claim 31, Rossini teaches the claimed limitation as provided at col. 8, lines 16-26.

With respect to claim 32, Rossini teaches this limitation as provided at col. 8, lines 20-22.

With respect to claim 33, Rossini teaches this limitation which is inherent by design and function of the applicator machine 10.

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With respect to claim 34, Rossini teaches this limitation as shown in figure 1 by the loop.

3.

### **Allowed Claims**

Claims 11 and 12 are allowed for the reason that the prior art does not teach step (d) of claim 11.

Claims 28 and 29 are allowed for the reason the prior art does not teach or suggest step (d) of claim 28.

4.

### **Claims Objected to As Containing Allowable Matter**

Claims 2, 4, 6, 8, 18-21, 23, 25 and 35-38 are objected to as containing allowable subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

**JEROME GRANT II**  
**PRIMARY EXAMINER**